

REMARKS

Reconsideration of amended claims 1, 7, 9, 10, 12, 25, 26, 29, 36-38, 44, 46-57 and 59-62 is respectfully requested. Claims 5, 11, 13, 15, 41, 45 and 58 are canceled by this Amendment.

The amended claims are supported in-part by the description of the invention on page 3, lines 5-24. In describing FIGS. 1A and 1B, the application describes that a vacuum head has a rubber nozzle that engages a surface of the lens positioned in a mold. The opposite surface of the lens is in contact with the mold. Once the exposed surface of the lens is engaged by the vacuum head, the lens then can be moved in the direction claimed relative to the mold.

Applicants respectfully request that the rejection of claims 41, 45, 49-56 and 60 under 35 USC 112, second paragraph be withdrawn. Claims 41 and 45 are canceled, and claims 49-56 and 60 are amended to overcome the rejection.

The rejection of claims 1, 7, 9, 10, 12, 25, 26, 29, 36-38, 44, 46-57 and 59-62 under 35 USC 103(a) as unpatentable over Wrue et al. (US 6,143,210) is respectfully traversed with respect to the amended claims. As stated in the Official Action, Wrue describes applying a vacuum nozzle to a surface of the lens to hold the lens in place. The vacuum nozzle as well as the adhered lens is then moved in a direction “normal to and away from the mold” thereby separating the lens from the mold. In other words, the lens is moved upwards in the z-direction away from the mold portion. Wrue also describes a mold configuration in which a mold portion 20 can “slightly rock on pin [mold portion] 32”. The applied vacuum pulls upward on lens 11 and the rocking movement of the mold portion 20 facilitates the release of the lens from the mold 20. See, column 4, lines 38-64. Applicants agree with this understanding of Wrue.

The examiner also argues that even the claims to a method of removing bifocal lenses from their molds are obvious over Wrue because “a bifocal lens, ... sku values for the lenses and the exact pick yield being within the skill level of the art. Certainly, the instant bifocal contact lenses are known in the art and one of ordinary skill would have

expected that the pick yield of Wrue et al. would have worked on such lenses.” Official Action, page 2 bottom to page 3 top.

Applicants agree that bifocal lenses, the necessity of having an acceptable level of pick yields, and perhaps an expectation that the Wrue apparatus could be used to provide an acceptable pick yield of bifocal lenses was known in the art at the time of the invention, but such knowledge alone does not support the examiner’s conclusion of obviousness under 103.

In fact, Applicants first attempted to use the pick up apparatus of Wrue (Wrue is also assigned to Bausch & Lomb) and discovered that the pick up yields were not acceptable for bifocal lenses. Using the “rocking” nub/mold assembly of Wrue, the pick yields were very poor, this is, in the range of 66% to 70%. Bifocal lenses with a sku of greater than -3.0D, e.g., a lens of -6.0D, had pick yields less than 60%. Moreover, as a control, Applicants used non-bifocal contact lenses with a sku of -3.0D, and by using a conventional straight pick up procedure described in Wrue the pick yields were near 98.4%. Obviously, the conventional straight pick-up was sufficient for non-bifocal contact lenses but for some reason the bifocal contact lenses having the same sku of -3.0D had much lower pick up yields. As a result, Applicants were required to modify the Wrue apparatus and process to significantly improve the pick yields of bifocal lenses.

Applicants respectfully request that the rejection be withdrawn for at least two reasons. First, there is no teaching or suggestion in Wrue of using a rubber nozzle to engage an exposed surface of the lens. The use of the rubber nozzle is important to secure the lens to the nozzle (in addition to the vacuum) in order to move the adhered lens relative to the mold in the directions claimed. The act of merely applying a vacuum from the nozzle to the lens to secure the lens was insufficient to impart the claimed movements. A good analogy is the control one observes if they attempt to slide a sheet of paper across a table using the eraser end verses the unsharpened end of a pencil. There is considerably more control of the paper with the eraser.

Second, to improve upon the pick yields for bifocal lenses, Applicants modified the straight pick up of Wrue. In the invention, the claimed movements of the lens is provided by the nozzle not the “slightly rocking” of the mold as proposed in the rejection.

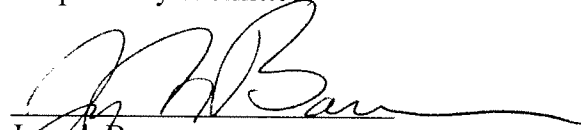
Wrue merely describes a straight vacuum pull up to separate the opposite lens surface from the mold. Wrue only moves the nozzle up and down to engage and separate the lens from the mold. Accordingly, there is no need to provide a rubber nozzle in Wrue because the nozzle is stationary, that is, there is no side to side to rotational movement of the nozzle or the lens.

In addition, these two modifications are related and dependent on the other, that is, without the rubber nozzle, one is not able to provide the claimed movements to the lens. For these reasons, Applicants respectfully submit that the two claimed improvements over Wrue are not obvious over Wrue, and request that the rejection be withdrawn.

A favorable action in the form of a Notice of Allowance is respectfully requested.

Please charge all fees that are due with this Amendment to Deposit Account No. 02-1425 under Attorney Docket No. P03118.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'J. Barrera', is written over a horizontal line.

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